IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 21ST NOVEMBER 2006 / 30TH KARTHIKA 1928

WP(C).No. 30527 of 2006(H)

PETITIONER:

J.G.JYOTHSNA,
W/O.ANIL, SANTHI NIVAS,
MANROTHURUTHU P.O., KOLLAM.

BY ADV. SRI.P.P.JACOB
SRI.B.MANIMOHAN
SRI.N.T.SATHYAVAN

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY SECRETARY TO GOVERNMENT,
CO-OPERATION, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.

3. STATE CO-OPERATIVE UNION,
OOTTUKUZHY, THIRUVANANTHAPURAM,
REP. BY ITS SECRETARY.

4. MANROTHURUTHU VANITHA SAHAKARANA
SANGHAM LTD. NO. 1406,
MANROTHURUTHU, KOLLAM,
REP. BY ITS SECRETARY.

BY GOVERNMENT PLEADER P.N. SANTHOSH
T.R. RAMACHANDRAN NAIR, SC FOR SCU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

W.P.(C). 30527/2006

Dated this 21st day of November, 2006

JUDGMENT

The writ petitioner was the committee member of the fourth respondent, Manrothuruthu Vanitha Sahakarana Sangham Ltd.No.1406, Kollam. However, under Ext.P4 notice, it had been communicated that the fourth respondent, Society, was superseded under Section 31(1) of the Kerala Co-operative Societies Act, 1969, in short 'the Act', and therefore, the writ petitioner was seized to be the Managing committee member of the fourth respondent and the Circle Co-operative Union, Kollam. Therefore, the writ petitioner was asked to show cause, why her membership was not to be terminated, as she having seized to be the member of the fourth respondent, Society, and Circle Co-operative Union. She was also directed to appear and show cause with reasons, if any. Accordingly, under Ext.P6, considering objections filed by the writ petitioner, the Registrar of Co-operative

Society declared that she has seized to be a member of the managing committee of the Circle Co-operative Union and thereby the managing committee of Kerala State Co-operative Union, as she was disqualified as provided under Rules 143 and 159 of the Kerala Co-operative Society Rules, with effect from 10.2.2006.

2. The writ petitioner came up before this Court by preferring a writ and under Ext.P7, this Court directed the writ petitioner to prefer an appeal against Ext.P6. So as to enable her to prefer such an appeal, ten days time was granted, keeping Ext.P6 order in abeyance.

3. It is submitted by the learned counsel for the writ petitioner that Ext.P8 appeal and Ext.P9 stay petition of Ext.P6, have been preferred before the Government, which are pending.

4. The prayer in this writ petition is to quash Ext.P6, and not to interfere with the functioning of the writ petitioner as committee member of the State Co-operative Union and also keep Ext.P6 in abeyance until

the final disposal of Exts.P8 and P9 by the first respondent, Government.

5. Ext.P1 reveal that a committee of three members had been appointed under Section 33(1) of the Act. The writ petitioner was one of them. She did not challenge the issuance of Ext.P1 under Section 33(1) of the Act. It is now submitted that she got elected as a committee member of the fourth respondent and, therefore, she continues to be not only the member of the fourth respondent, Society, but also the committee member of the Circle Co-operative Union, where she was one of the committee members, prior to her declaration under Ext.P6.

6. When the writ petitioner conceded, accepted and acted upon under Ext.P1, issued by the Government under Section 33(1) of the Act, it is admitted by her that she has seized to be the member of the fourth respondent, Co-operative Society. Obviously, her induction into the committee membership of the Circle Co-operative Union, Kollam, also seized. Therefore, I

accept Ext.P6, there being no challenge to Ext.P1 order. Hence, I find no reasons or grounds to quash Ext.P6 through a writ petition.

7. In Ext.P7 judgment, this Court granted only ten days time to file an appeal challenging Ext.P6 and till such time Ext.P6 order was kept in abeyance. Exts.P8 and P9 are pending before the Government. Now the petitioner is one of the committee members of the fourth respondent, Society. It is for her to get selected, as per the procedure laid down under rule 129 of the Kerala Co-operative Societies Rules, to which this Court is not inclined to make any comments.

8. I am also not inclined to pass an order again, keeping Ext.P6 in abeyance. It is for the writ petitioner to work out her remedies through Exts.P8 and P9. However, while disposing of the writ petition, I direct the first respondent, Government, to dispose of Exts.P8 and P9 at the earliest, in any case within two months from the date of receipt of a copy of this judgment, independently and untrammelled by the discussions in

this judgment. If any representation is given by the writ petitioner, praying to fill up the vacancy of the member of the Circle Co-operative Union, the same may be considered subject to the Rule 129 of the Rules.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

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